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Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00191 JMS
)	
Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING TRIAL AND
v.)	TOLLING TIME FROM
)	COMPUTATION UNDER THE
JOSHUA KNEPPER,)	SPEEDY TRIAL ACT
)	
Defendant.)	
)	

STIPULATION AND ORDER CONTINUING TRIAL AND TOLLING
TIME FROM COMPUTATION UNDER THE SPEEDY TRIAL ACT

On April 4, 2006, the defendant, Joshua Knepper, through counsel Harlan Y. Kimura, Esq., filed a Reply Memorandum of Law in Support of Motion to Suppress Evidence Due to Illegal Arrest. In Part C of the Reply Memorandum, the defendant raised a new ground on which to suppress evidence, i.e. the time delay between seizure of his backpack and the execution of the search

warrant. In that the government had not had the opportunity to address the Reply Memorandum, the Court struck Part C.

The Court permits the defendant leave to file a new motion to suppress based on additional, and as of yet, unheard, grounds. The Court orders the new motion to suppress to be filed as of April 14, 2006. The government's memorandum in opposition must be filed as of April 20, 2006. Hearing on the new motion to suppress will be on April 24, 2006 at 9:30 a.m.

In light of the requested leave to file a new motion to suppress, to litigate the new motion to suppress, and to prepare for trial, the Court finds it necessary to continue trial.

The Court continues trial to June 20, 2006. The Court finds that the trial date must be continued in that the failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court further finds that the ends of justice in continuing the trial outweigh the defendant's and public's interest in a speedy trial, and therefore, tolls the period from April 25, 2006 to and including June 20, 2006 from computation under the Speedy Trial Act.

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Trial is continued to June 20, 2006. The final pretrial is scheduled for May 22, 2006 at 10:00 a.m. before the Honorable Kevin S.C. Chang.

DATED: April 12, 2006, at Honolulu, Hawaii.

IT IS SO STIPULATED.

/s/ Loretta Sheehan
LORETTA SHEEHAN
Assistant U.S. Attorney

/s/ Harlan Y. Kimura
HARLAN Y. KIMURA
Attorney for Defendant
JOSHUA KNEPPER

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, April 18, 2006.



J. Michael Seabright
United States District Judge

United States v. Joshua Knepper
Cr. No. 05-00191 JMS
Stipulation and Order Continuing
Trial and Tolling Time From
Computation Under the Speedy Trial Act